



Paper No. 7

KING & SPALDING
191 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1763

COPY MAILED

AUG 05 2002

OFFICE OF PETITIONS

In re Application of	:	
Hodge, et al.	:	
Application No. 10/045,439	:	ON PETITION
Filed: November 7, 2001	:	
Attorney Docket No. 08286.105005	:	

This is a decision on the papers styled, "Petition In Response To The Notice TO File Missing Parts Of Nonprovisional Application," filed on May 31, 2002, which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of November 7, 2001, including pages 3, 13 and 16 of the specification, and Figures 2b, 3 and 4a as described in the specification.

The application was filed on November 7, 2001. However, on May 14, 2002, the Office of Initial Patent Examination (OIPE) mailed a "Notice TO File Missing Parts Of Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, but pages 3, 13 and 16 of the specification, and Figures 2b, 3 and 4a as described in the specification, appear to have been omitted.

In response, on May 31, 2002, the instant petition and a copy of pages 3, 13 and 16 of the specification, and Figures 2b, 3 and 4a as described in the specification were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of 37 pages of specification, claims and abstract and ten (10) sheets of drawings on November 7, 2001. A review of the application file indicates the presence of thirty-four (34) pages of specification, claims and abstract. Additionally, the ten (10) sheets of drawings contain Figures 1-7, with the second, third and fourth sheets of drawings containing Figures 2b, 3 and 4a, respectively. A review of the application file indicates the presence of only seven (7) sheets

of drawings with the second, third and fourth sheets containing Figures 2b, 3, and 4a missing. It is assumed that pages 3, 13 and 16 of the specification, and that the second, third and fourth sheets of drawings containing Figures 2b, 3, and 4a, were misplaced by the Office.

In view of the above, the petition is granted.

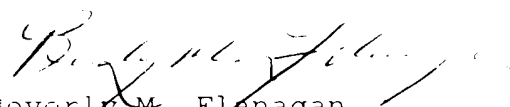
The \$130.00 petition has not been charged.

This application will be returned to OIPE for further processing with a filing date of November 7, 2001, using the copy of pages 3, 13 and 16 of the specification, and Figures 2b, 3 and 4a as described in the specification, supplied on May 31, 2002.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Edward Tannouse at (703) 306-9200.



Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy